

• • R E M A R K S / A R G U M E N T S • •

The present Preliminary Amendment is being submitted together with a Request for Continued Examination (RCE) of the above-identified application.

By the present Preliminary Amendment, independent claim 1 has been changed to recite the topsheet and backsheet and to recite that the covering zone includes a longitudinal end at which longitudinal ends of each of the topsheet and backsheet are superimposed together continuously between the transversely opposite side edges of the diaper without any intervening structure between the topsheet and the backsheet.

Support for this change to independent claim 1 can be readily found in applicant's Fig. 2, where in the lower corner of the diaper it can be seen that the topsheet 2 of the front (and rear) waist region is superimposed over the backsheet 3 the front (and rear) waist region without any intervening structure therebetween.

Also by the present amendment, independent claim 1 has been changed to recite "the longitudinal end" and avoid the recitation of "an upper edge."

Entry of the changes to the claims is respectfully requested.

In the Official Action of mailed March 31, 2004 the Examiner has required applicant to resubmit proper drawing corrections. The requested drawing corrections which conform to the changes approved by the Examiner in the Official Action of October 23, 2002 are being submitted herewith.

In the Official Action of March 31, 2004 the Examiner rejected claims 1-6 and 8 under 35 U.S.C. §112, second paragraph. Under this rejection the Examiner inquired if the terms “a longitudinal end” and “an upper edge” identified the same structural element.

In response to this rejection, the term “an upper edge” has been changed to “a longitudinal end” to be consistent.

Also in the Official Action of March 31, 2004, the Examiner rejected claims 1-6 and 8 under 35 U.S.C. §102(b) as being anticipated by European Patent Application No. 0 688 550 A1 to Kimberly Clark.

Kimberly Clark is directed to a diaper that comprises elastic side panels.

At first glance it is a little difficult to determine how Kimberly Clark structurally provides for the elastic side panels. However, it is noted that in reference to Fig. 6, Kimberly Clark teaches that “[e]ach front elastic side member 68 and each back elastic side member 70 comprises an elastic later 80 (Fig. 3, 6) sandwiched between topsheet 34 and backsheet 36.”

Applicant’s invention does not have the elastic side panels required by Kimberly Clark.

In order to distinguish over the structure of Kimberly Clark’s side panels, applicant’s independent claim 1 has been changed to recite that the covering zone includes a longitudinal end at which longitudinal ends of each of the topsheet and backsheet are superimposed together continuously between the transversely opposite side edges of the diaper without any intervening structure between the topsheet and the backsheet.

It is accordingly submitted that applicant's claimed invention is structurally distinguishable over Kimberly Clark.

Based upon the above distinctions between Kimberly Clark and the present invention, and the overall teachings of Kimberly Clark, properly considered as a whole, it is respectfully submitted that the Examiner cannot rely upon Kimberly Clark as required under 35 U.S.C. §102 as anticipating applicant's claimed invention.

It is submitted that the claims, as now amended, and the discussion contained herein clearly show that the claimed invention is novel and neither anticipated nor obvious over the teachings of Kimberly Clark and the outstanding rejection of the claims should hence be withdrawn.

Therefore, reconsideration and withdrawal of the outstanding rejection of the claims and an early allowance of the claims is believed to be in order.

It is believed that the above represents a complete response to the Official Action of March 31, 2004 and reconsideration is requested.

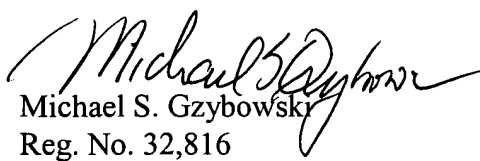
If upon consideration of the above, the Examiner should feel that there remain outstanding issues in the present application that could be resolved, the Examiner is invited to contact applicant's patent counsel at the telephone number given below to discuss such issues.

To the extent necessary, a petition for an extension of time under 37 CFR §1.136 is hereby made. Please charge the fees due in connection with the filing of this paper, including extension of

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time fees, to Deposit Account No. 12-2136 and please credit any excess fees to such deposit account.

Respectfully submitted,


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